

SENATE BILL No. 284

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-37-1-5.

Synopsis: Jury selection in death penalty cases. Removes as a good cause to challenge a person called as a juror in a criminal trial in which the state is seeking a death sentence the fact that the person entertains conscientious opinions that would preclude the person from recommending the imposition of the death penalty.

Effective: July 1, 2003.

Rogers

January 15, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 284



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-37-1-5 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The following are
- 3 good causes for challenge to any person called as a juror in any
- 4 criminal trial:
- 5 (1) That the person was a member of the grand jury that found the
- 6 indictment.
- 7 (2) That the person has formed or expressed an opinion as to the
- 8 guilt or innocence of the defendant. However, such an opinion is
- 9 subject to subsection (b).
- 10 ~~(3) If the state is seeking a death sentence, that the person~~
- 11 ~~entertains such conscientious opinions as would preclude the~~
- 12 ~~person from recommending that the death penalty be imposed.~~
- 13 ~~(4)~~ (3) That the person is related within the fifth degree to the
- 14 person alleged to be the victim of the offense charged, to the
- 15 person on whose complaint the prosecution was instituted, or to
- 16 the defendant.
- 17 ~~(5)~~ (4) That the person has served on a trial jury which was sworn



- 1 in the same case against the same defendant, and which jury was
 2 discharged after hearing the evidence, or rendered a verdict which
 3 was set aside.
- 4 ~~(6)~~ **(5)** That the person served as a juror in a civil case brought
 5 against the defendant for the same act.
- 6 ~~(7)~~ **(6)** That the person has been subpoenaed in good faith as a
 7 witness in the case.
- 8 ~~(8)~~ **(7)** That the person is a mentally incompetent person.
- 9 ~~(9)~~ **(8)** That the person is an alien.
- 10 ~~(10)~~ **(9)** That the person has been called to sit on the jury at the
 11 person's own solicitation or that of another.
- 12 ~~(11)~~ **(10)** That the person is biased or prejudiced for or against the
 13 defendant.
- 14 ~~(12)~~ **(11)** That the person does not have the qualifications for a
 15 juror prescribed by law.
- 16 ~~(13)~~ **(12)** That, from defective sight or hearing, ignorance of the
 17 English language, or other cause, the person is unable to
 18 comprehend the evidence and the instructions of the court.
- 19 ~~(14)~~ **(13)** That the person has a personal interest in the result of
 20 the trial.
- 21 ~~(15)~~ **(14)** If the person is not a member of the regular panel, that
 22 the person has served on a jury within twelve (12) months
 23 immediately preceding the trial.
- 24 (b) If a person called as a juror states that the person has formed or
 25 expressed an opinion as to the guilt or innocence of the defendant, the
 26 court or the parties shall proceed to examine the juror on oath as to the
 27 grounds of the juror's opinion. If the juror's opinion appears to have
 28 been founded upon reading newspaper statements, communications,
 29 comments, reports, rumors, or hearsay, and if:
- 30 (1) the juror's opinion appears not to have been founded upon:
 31 (A) conversation with a witness of the transaction;
 32 (B) reading reports of a witness' testimony; or
 33 (C) hearing a witness testify;
- 34 (2) the juror states on oath that the juror feels able,
 35 notwithstanding the juror's opinion, to render an impartial verdict
 36 upon the law and evidence; and
 37 (3) the court is satisfied that the juror will render an impartial
 38 verdict;
- 39 the court may admit the juror as competent to serve in the case.

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